

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *AF*

BOARD AGENDA # *D-2

Urgent

Routine

AGENDA DATE May 6, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2002-4494 and All of Williamson Act Contract No. 2002-4468, Located at 3818 Shoemake Avenue, East of Dakota Avenue and South of North Avenue, in the Modesto Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment PLN2014-0037, Byrd/Meirinho, and Authorization for the Director of Planning and Community Development to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2014-219

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

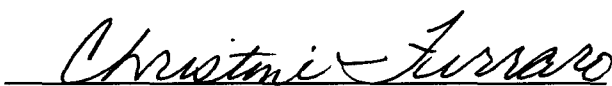
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
2. Rescind a portion of Williamson Act Contract No. 2002-4494 and all of Williamson Act Contract No. 2002-4468, located at 3818 Shoemake Avenue, east of Dakota Avenue and south of North Avenue, in the Modesto area.
 3. Approve new contracts pursuant to Minor Lot Line Adjustment PLN2014-0037, Byrd/Meirinho.
 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment PLN2014-0037.

DISCUSSION:

Lot Line Adjustment Application No. PLN2014-0037 was approved by staff pending the Board's action required by the Williamson Act. The property is located at 3818 Shoemake Avenue, east of Dakota Avenue and south of North Avenue, in the Modesto area, in the unincorporated area of Stanislaus County.

Approval to Rescind a Portion of Williamson Act Contract No. 2002-4494 and All of Williamson Act Contract No. 2002-4468, Located at 3818 Shoemaker Avenue, East of Dakota Avenue and South of North Avenue, in the Modesto Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment PLN2014-0037, Byrd/Meirinho, and Authorization for the Director of Planning and Community Development to Execute New Contracts

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The lot line adjustment is requesting two parcels go from 20.31 and 30.07 acres (50.38 acres total) to two parcels of 40.38 and 10.0 acres (50.38 acres total). The reason for the lot line adjustment request is to add an additional 20.7 acres to the current 20.31 acre parcel in order to add almond trees to an existing almond orchard. The current 30-acre parcel is currently improved with one single-family dwelling. The parcels are being farmed in almonds and dairy forage crops.

Currently, all 50.38 acres are enrolled in a portion of Williamson Act Contract No. 2002-4494 and all of Williamson Act Contract No. 2002-4468. After the lot line adjustment, all 50.38 acres will be included in new contracts which are required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use

Approval to Rescind a Portion of Williamson Act Contract No. 2002-4494 and All of Williamson Act Contract No. 2002-4468, Located at 3818 Shoemake Avenue, East of Dakota Avenue and South of North Avenue, in the Modesto Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment PLN2014-0037, Byrd/Meirinho, and Authorization for the Director of Planning and Community Development to Execute New Contracts

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if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land”)

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.”

The applicants have provided the attached evidence to support the seven findings listed above, and staff agrees the evidence supports these findings. The proposed adjustment would not increase the number of developable parcels, will not reduce the number of acres in the existing Williamson Act contract, and will not compromise the continued agricultural use of the parcels.

New Williamson Act contracts would typically come before the Board once a year, in December. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that new contracts replace a portion of Williamson Act Contract No. 2002-4494 and all of Williamson Act Contract No. 2002-4468, upon recording. The new contracts will cover 50.38 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts will be subject to the provisions of AB 1265, pursuant to the Stanislaus County Board of Supervisors’ actions on October 15, 2013.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted December 2007) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. Thus, this action supports the Board’s priority of A Strong Agricultural Economy/Heritage.

Approval to Rescind a Portion of Williamson Act Contract No. 2002-4494 and All of Williamson Act Contract No. 2002-4468, Located at 3818 Shoemake Avenue, East of Dakota Avenue and South of North Avenue, in the Modesto Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment PLN2014-0037, Byrd/Meirinho, and Authorization for the Director of Planning and Community Development to Execute New Contracts

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STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2013-0037
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Parcels Before the Proposed Lot Line Adjustment
5. Map of Parcels After the Proposed Lot Line Adjustment

(i:\planning\board of supervisors\lotlineadjustments\2014\pln2014-0037-byrd-meirinho\la pln2014-0037-report.doc)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Phone: 209.525.6330 Fax: 209.525-5911

S	1423	T	3	R	8
ZONE	A-2-40				
RECEIVED	3-19-2014				
APPLICATION NO.	PLN 2014-1037				
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Timothy A. Byrd
 Name
 P.O. Box 1130, Modesto, CA 95353
 Address, City, Zip
 (209) 341-3716 (office)
 Phone
 (209) 341-5030
 Fax Number

Parcel 2

Mary Jo Meirinho
 Name
 3818 Shoemake Avenue, 95358
 Address, City, Zip
 Phone
 Fax Number

Parcel 3

Name
 Address, City, Zip
 Phone
 Fax Number

Parcel 4

Name
 Address, City, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: Hawkins & Associates Engineering Inc., 436 Mitchell Road,
Modesto, CA 95354

3. Assessor's Parcel No. of parcels adjusted:

Parcel 1: Book 005 Page 036 No. 052 Parcel 2: Book 081 Page 003 No. 021
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>20.31 AC. GR</u>	<u>40.38 AC. GR</u>
Parcel 2:	<u>30.07 AC. GR</u>	<u>10.00 AC. GR</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC Parcel 1 is adding 20.07 gross acres in order to add
almond trees to an existing almond orchard.

6. How are these parcels currently utilized? Please check appropriate uses

- Residential
 - Single Family
 - Duplex
 - Multiple
 - Commercial
 - Industrial
 - Other (Specify) _____
- Agriculture
 - Row Crop – type _____
 - Trees – type almond
 - Vines – type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) dairy forage crops

7. List all structures on properties: 1 residence on A.P.N. 081-003-021 (Parcel 2)

8. How have these parcels been utilized in the past, if different than current use? N/A

9. When did current owner(s) acquire the parcel(s)?

Parcel 1: 2002 Parcel 2: 2008
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

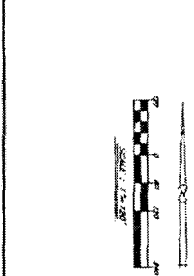
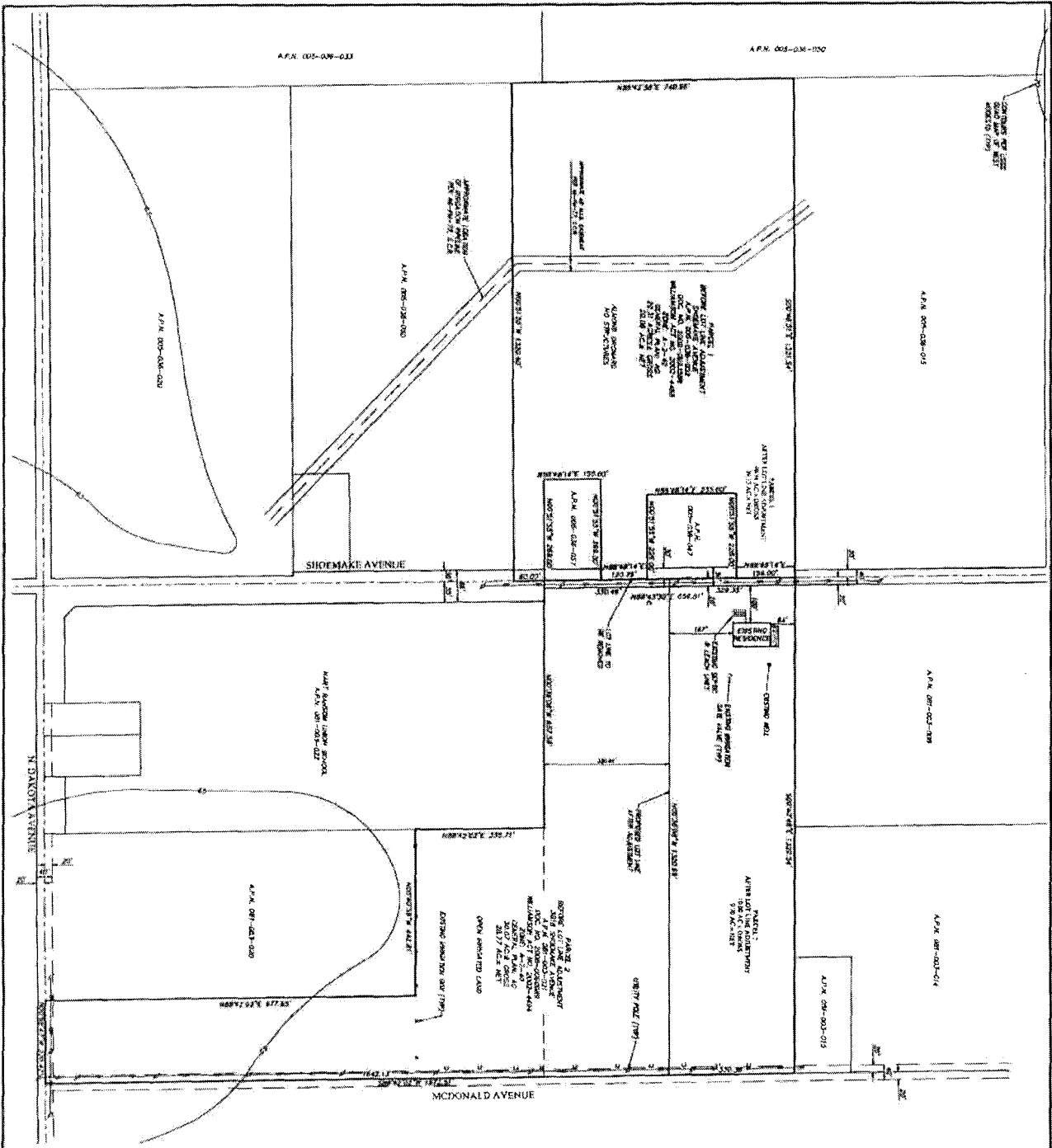
Parcel 1: 2002-4468 Parcel 2: 2002-4494
 Parcel 3: _____ Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? flood irrigation

12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. None

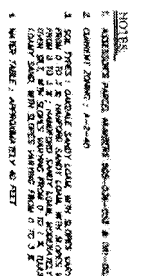
13. Signature of property owner(s)

<u>[Signature]</u> Owner's Signature	<u>Timothy A. Byrd</u> Owner's Name Printed
<u>[Signature]</u> Owner's Signature	<u>Suzanne P. Byrd</u> Owner's Name Printed
<u>[Signature]</u> Owner's Signature	<u>MARY JO MEIRINHO</u> Owner's Name Printed
_____ Owner's Signature	_____ Owner's Name Printed



OWNERS
 A.P.N. 005-036-052
 BARRY A. SHILOMAKE & PATTI B. SHILOMAKE
 435 MITCHELL ROAD
 MODESTO, CA 95354
 A.P.N. 081-003-021
 BARRY A. SHILOMAKE & PATTI B. SHILOMAKE
 435 MITCHELL ROAD
 MODESTO, CA 95354

NOTES
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL BEARINGS ARE TRUE BEARINGS.
 3. THIS PLAN IS A CORRECTION TO THE ORIGINAL PLAN AND DOES NOT REPRESENT A NEW SURVEY.
 4. THE SURVEY WAS MADE BY THE ENGINEER'S FIELD NOTES AND CALCULATIONS.
 5. THE SURVEY WAS MADE ON APRIL 15, 2004.
 6. THE SURVEY WAS MADE BY HAWKINS & ASSOCIATES ENGINEERING, INC.



LOT LINE ADJUSTMENT NO. 14-XX
 A.P.N. 005-036-052 & 081-003-021

3818 SHILOMAKE AVENUE
 STANISLAUS COUNTY, CALIFORNIA



HAWKINS & ASSOCIATES
ENGINEERING, INC.
 435 MITCHELL ROAD
 MODESTO, CA 95354
 PH: (209) 575-4255
 FX: (209) 578-4295

DATE: 04/15/04	SCALE: AS SHOWN	PROJECT: LOT LINE ADJUSTMENT NO. 14-XX
DRAWN BY: [Name]	CHECKED BY: [Name]	APPROVED BY: [Name]
DATE: 04/15/04	SCALE: AS SHOWN	PROJECT: LOT LINE ADJUSTMENT NO. 14-XX



April 16, 2014

Hawkins & Associates
436 Mitchell Road
Modesto, CA 95354

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. PLN2014-0037
BYRD/MEIRINHO**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **April 16, 2014**, and has tentatively approved your request, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$628.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **4:30 p.m.** within **ten days** of the postmark of this letter.

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done, you will be notified that the subject form is ready to be recorded.

As stated in the Conditions of Approval a new deed reflecting this lot line adjustment will need to be recorded.

If you have any questions, please contact this department at (209) 525-6330.

Sincerely,

Carole Maben
Associate Planner

Enclosure

cc: Timothy A Byrd

Mary Jo Meirinho

ATTACHMENT 2

March 10, 2014

Department of Planning
And Community Development
Stanislaus County
1010 10th Street
Modesto, Ca 95354

RE: Lot Line Adjustment Application – Byrd & Meirinho - Findings

This project is a lot line adjustment between Assessors Parcel #005-036-052 (20.31 acres gross) owned by Timothy A. Byrd & Suzanne P. Byrd, trustees of the Timothy & Suzanne Byrd Revocable Trust dated 1-18-2002 and Parcel #081-003-021 (30.07 acres gross) owned by Mary Jo Meirinho. The Byrd & Meirinho parcels are in the Williamson Act.

Timothy & Suzanne Byrd would like to expand their almond orchard onto APN 081-003-021. The lot line adjustment will reconfigure the Meirinho parcel in order to separate the existing residence from the proposed almond orchard.

At the completion of this lot line adjustment, Parcel 1 (Byrd) will have an adjusted area of 40.38 acres +/- (gross), Parcel 2 (Meirinho) will have an adjusted area of 10.00 acres +/- (gross).

Findings:

(1) The Byrd & Meirinho parcels are not subject to non-renewal. The parcels will remain under contract for at least 10 years.

(2) The Byrd Parcel acreage currently under contract is 20.06 acres. After the lot line adjustment, all 40.38 acres +/- (gross) will be under contract.

The Meirinho Parcel acreage currently under contract is 30.07 acres +/- (gross). After the lot line adjustment, all 10.00 acres +/- (gross) will be under contract.

(3) As stated in the above finding (2) there will be no net decrease in the amount of acreage enrolled in the Williamson Act.

(4) As consistent with Government Code Section 51222 the contracted parcels will be larger than 10 acres after the lot line adjustment. The parcel qualifies as prime farmland according to the Farmland Mapping and Monitoring Program Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance – Stanislaus County.

(5) The new configuration of the Byrd and Meirinho parcels will in no way affect the long term agricultural productivity of either of the parcels.

(6) The adjacent lands are either permanent trees, dairy forage crops, Hart-Ransom Elementary School, or Storer Coachways. The reconfiguration of the Byrd and Meirinho parcels will not affect the adjacent uses.

(7) This lot line adjustment will not result in more developable parcels. Neither parcel is currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

In conclusion, this lot line adjustment will only allow for new agricultural use of the existing agricultural parcels. This lot line adjustment will in no way negatively affect the agricultural viability of these parcels. Please feel free to contact me if you have any further questions.

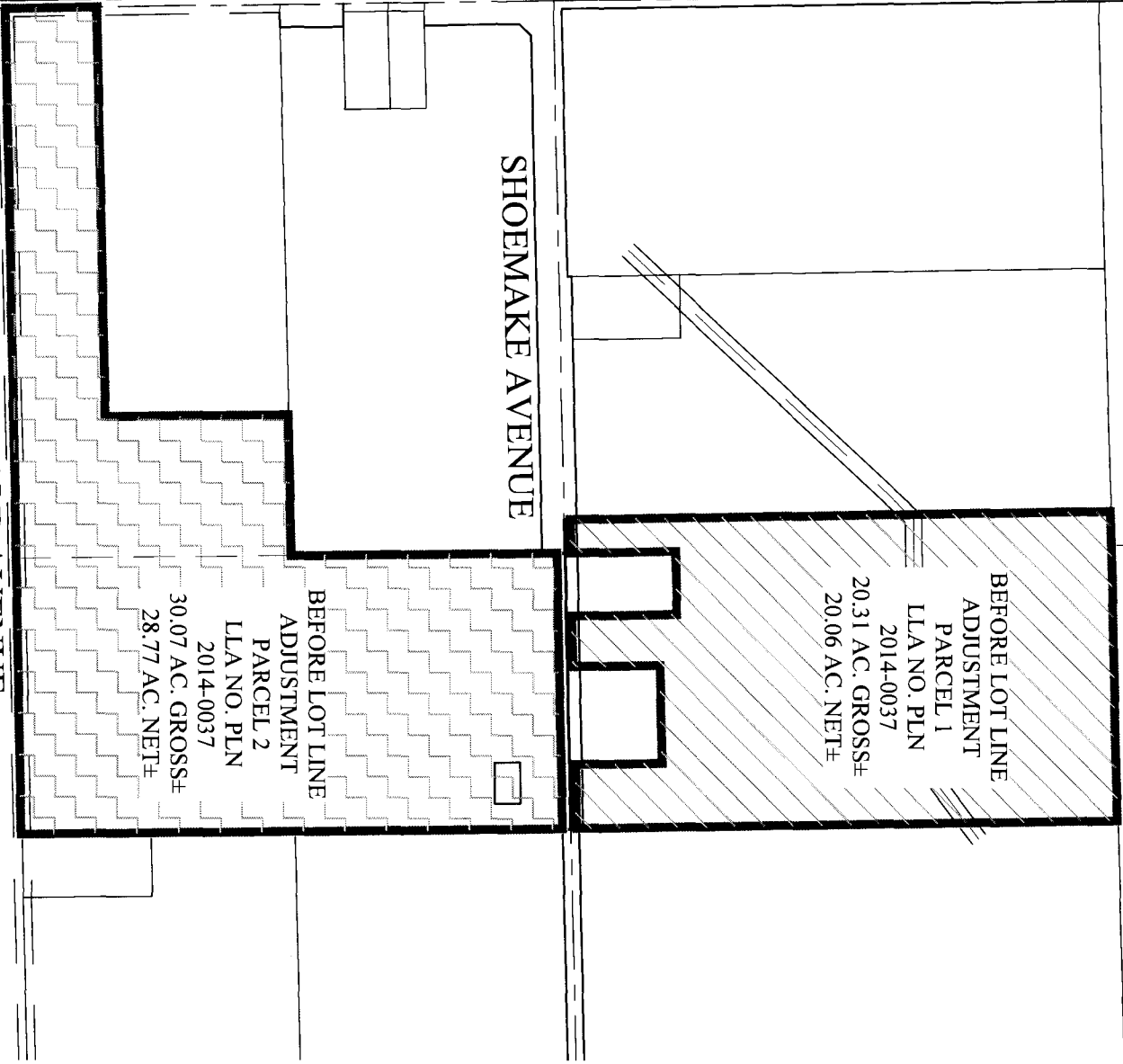
Sincerely,

Kevin Genasci, PLS
Hawkins and Associates Engineering

N. DAKOTA AVENUE

SHOEMAKE AVENUE

MCDONALD AVENUE

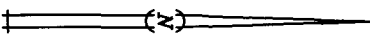


BEFORE LOT LINE
ADJUSTMENT
PARCEL 1

LLA NO. PLN
2014-0037
20.31 AC. GROSS±
20.06 AC. NET±

BEFORE LOT LINE
ADJUSTMENT
PARCEL 2

LLA NO. PLN
2014-0037
30.07 AC. GROSS±
28.77 AC. NET±



1
OF
1



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**BEFORE LOT LINE ADJUSTMENT
LLA PLN 2014-0037**
A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA

BY: RCS
CHK: KJG
DATE: 04/2014
SCALE: 1"=400'
JOB #: 3182
FILE: EXB

N. DAKOTA AVENUE

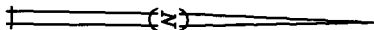
SHOEMAKE AVENUE

MCDONALD AVENUE

AFTER LOT LINE
ADJUSTMENT
PARCEL 1
LLA NO. PLN
2014-0037
40.38 AC. GROSS±
39.13 AC. NET±

AFTER LOT LINE ADJUSTMENT
PARCEL 2, LLA NO. PLN 2014-0037
10.00 AC. GROSS±, 9.70 AC. NET±

NOTE:
ADJUSTED PARCELS 1
AND 2 TO BE
ENTERED INTO NEW,
SEPERATE WILLAMSON
ACT CONTRACTS



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**AFTER LOT LINE ADJUSTMENT
LLA PLN 2014-0037**

**A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA**

BY: RCS
CHK: KJG
DATE: 04/2014
SCALE: 1"=400'
JOB #: 3182
FILE: EXB

1
OF
1



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0031187-00

Acct 121-Planning.
Friday, MAY 16, 2014 08:36:50
Rcpt # 0003522844

OHK/R2/1-13

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stanislaus County
Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on November 15, 2013, approved the lot line adjustment herein described submitted under the name of Lois E. Hofmann Trust Lot Line Adjustment No. PLN2013-0089 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

ANGELA FREITAS, DIRECTOR

By: Carol Maben
Carol Maben, Associate Planner
Stanislaus County Department of Planning
and Community Development

May 8, 2014
Date

1344

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California)

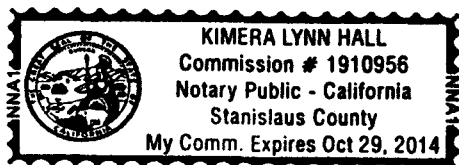
County of Stanislaus)

On May 8, 2014 before me, Kimera Lynn Hall, Notary Public, personally appeared

Carol Maben, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Kimera Lynn Hall
Signature of Notary

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and prevent fraudulent reattachment of this form to another document.

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: _____

Date of Document: _____

Number of Pages in words: _____

Signer(s) Other Than Named Above: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name: _____

Individual(s)

Corporate Officer

Title(s): _____

Partner(s) - Limited General

Attorney-In-Fact

Trustee(s)

Guardian/Conservator

Other: _____

RIGHT THUMB

SIGNER IS REPRESENTING:

Signer's Name: _____

Individual(s)

Corporate Officer

Title(s): _____

Partner(s) - Limited General

Attorney-In-Fact

Trustee(s)

Guardian/Conservator

Other: _____

RIGHT THUMB

SIGNER IS REPRESENTING:

CONDITIONS FOR LOT LINE ADJUSTMENT NO. PLN2013-0089

LOIS E. HOFMANN TRUST

PLANNING DEPARTMENT

1. Following Staff approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
3. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.
4. Because all parcels are currently covered by Williamson Act Contracts, all contracts must be rescinded and replaced with new contracts for the new parcels. The Board of Supervisors MUST approve the new contracts as Per Section 51257 of the Government Code:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. (Govt. Code §51222. ... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land)

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

CONDITIONS FOR LOT LINE ADJUSTMENT NO. PLN2013-0089

LOIS E. HOFMANN TRUST

Page 2

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

You must provide written evidence to support the seven findings listed above.

NOTE: **A record of survey would be very helpful in documenting this lot line adjustment, to accommodate any future transaction involving your property**

.....

LOT LINE NO. PLN2013-0089

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>LOIS E. HOFMANN</u>	<u><i>Lois E Hofmann</i></u>	<u>1/29/2014</u>	<u><i>Oshtemo</i></u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On Jan 29, 2014 before me, Julie Hasley, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Lois E. Hofmann
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julie Hasley
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Certificate of Lot Line Adjustment

Document Date: 01/29/2014 Number of Pages: _____

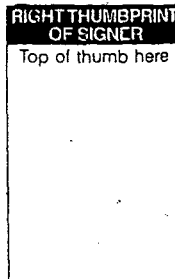
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



EXHIBIT "A"
PLN 2013-0089

PARCEL NO. 1:

Beginning at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42° 15' West, 1900-¾ feet from the intersection of the east line of aforesaid right-of-way with the south line of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian; Thence North 47° 45' East 200 feet; thence South 42° 15' East 534-¼ feet; thence North 47° 45' East 330-½ feet; thence North 42° 15' East 612 feet; thence South 47° 45' West 530-½ feet to the east line of the aforesaid railroad right-of-way; thence South 42° 15' East along said right-of-way 77-¾ feet to the POINT OF BEGINNING.

PARCEL NO. 2:

The north one-half of the warehouse lot of Thalheim, as per map file April 13, 1904, hereinabove referred to, particularly described as follows:

The northerly one-half of the warehouse lot in the southeast quarter of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, commencing at a point on the eastern line of the right-of-way of the Stockton and Copperopolis Railroad and 50 feet northeasterly from a point where the quarter section line north and south through the center of Section 19 crosses the center of the main tract of said railroad and running thence northeast at right angles to the center line of said rail road 200 feet; thence southeasterly parallel to the line of said railroad 871.2 feet; thence southwesterly at right angles to the last course, 200 feet to the easterly line of railroad right-of-way; thence northwest along said line, parallel to the center line main tract and 50 feet distant therefrom 871.2 feet to the POINT OF COMMENCEMENT.

PARCEL NO. 3:

All that portion of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, as follows:

Beginning at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42° 15' West 1978-½ feet from the intersection of the east line of aforesaid railroad right-of-way with the south line of Section 19; running thence North 47° 45' East 1688.8 feet to the center of a 20-foot road; thence North 42° 15' West 432-½ feet; thence South 47° 45' West 1688-8/10 feet to the east line of the aforesaid railroad right-of-way; thence along said right-of-way South 42° 15' East 432-½ feet to the POINT OF BEGINNING; run true Meridian magnetic variation 18° 15' East.

PARCEL NO. 4: (from instrument No. 107324 Aug87)

That strip or parcel of land 100 feet wide situated in the south half of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described therein as follows:

That portion of the Southern Pacific Transportation Company's Oakdale Branch right of way (abandoned) lying west of these parcels described as parcels one, three, four and five in the deed dated August 16, 1975 from Karl Hofmann, Sr. et ux to Erich Hofmann, et al, recorded September 15, 1975, in Book 2730 Official records, of Stanislaus County, Page 59 described therein as follows:

Parcel No. 1 (one)

Beginning at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42° 15' West, 1900-¾ feet from the intersection of the east line of aforesaid right-of-way with the south line of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian; Thence North 47° 45' East 200 feet; thence South 42° 15' East 534-¼ feet; thence North 47° 45' East 330-½ feet; thence North 42° 15' East 612 feet; thence South 47° 45' West 530-½ feet to the east line of the aforesaid railroad right-of-way; thence South 42° 15' East along said right-of-way 77-¾ feet to the POINT OF BEGINNING.

Parcel No. 3 (three)

The north on-half of the warehouse lot of Thalheim, as per map filed April 13, 1904, hereinabove referred to, particularly described as follows:

The northerly one-half of the warehouse lot in the southeast quarter of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, commencing at a point on the eastern line of the right-of-way of the Stockton and Copperopolis Railroad and 50 feet northeasterly from a point where the quarter section line north and south through the center of Section 19 crosses the center of the main tract of said railroad and running thence northeast at right angles to the center line of said rail road 200 feet; thence southeasterly parallel to the line of said railroad 871.2 feet; thence southwesterly at right angles to the last course, 200 feet to the easterly line of railroad right-of-way; thence northwest along said line, parallel to the center line main tract and 50 feet distant therefrom 871.2 feet to the POINT OF COMMENCEMENT.

Parcel No. 4 (four)

All that portion of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, as follows:

Beginning at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42° 15' West 1978-½ feet from the intersection of the east line of aforesaid railroad right-of-way with the south line of Section 19; running thence North 47° 45' East 1688.8 feet to the center of a 20-foot road; thence North 42° 15' West 432-½ feet; thence South 47° 45' West 1688-8/10 feet to the east line of the aforesaid railroad right-of-way; thence along said right-of-way South 42° 15' East 432-½ feet to the POINT OF BEGINNING; run true Meridian magnetic variation 18° 15' East.

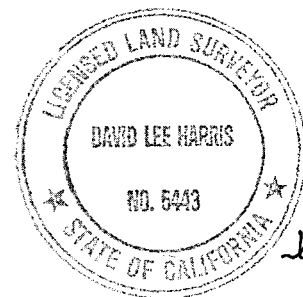
Parcel No. 5 (five)

That certain real property situated in the County of Stanislaus, State of California, described as follows:

All that portion of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Beginning on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad at a point distant North 42° 15' West 2411 feet from the intersection of the east line of said right-of-way with the south line of said Section 19; thence North 47° 45' East 3021-½ feet; thence North 42° 15' West 237 feet to the north line of the southeast quarter of the northeast quarter of said Section 19; thence west along said line 292 feet; thence South 47° 45' West 2807 feet to the east line of said right-of-way; thence southeasterly along said right-of-way 439-¾ feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all that portion lying northeasterly of the center line of a county road (Lambuth Road, 40 feet wide) as said road is described in the deed to the County of Stanislaus recorded January 10, 1928 in Volume 256 of Official Records, at Page 299, as Instrument No. 370.



January 14, 2014

D L Harris

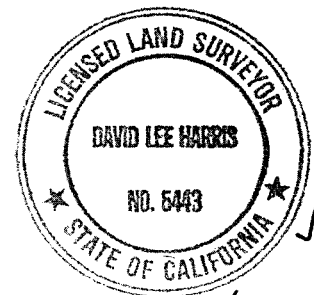
Exhibit B
PLN2013-0089

Parcel 1:

Commencing at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42°31'28" West, 1465.18 feet from the intersection of the east line of aforesaid right-of-way with the south line of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, said point being on the south line of the north half of of the "Warehouse Lot as described in Volume 713 of Official Records, page 4, records of Stanislaus County; thence South 47°28'32" West along said south line, 100 feet to the north right-of-way line of Valley Home Road, as shown on the Map of Thalheim, filed April 13, 1904 in Volume 1 of Maps, page 41, Stanislaus County Records: thence North 42°31'28" West along said north right-of-way line, 448.01 feet to the **Point of Beginning** of the herein described Parcel: thence continuing North 42°31'28" West along said right-of-way, 241.05 feet; thence North 47°26'25" East, 348.70 feet: thence South 42°31'28" East parallel with said north right-of-way line, 241.05 feet; thence South 47°26'25" West, 348.70 feet to the Point of Beginning.

Containing 1.93 acres more or less

The Above described parcel being also subject to all easements and rights-of-way of record including the Easement as recorded February 12, 1986 in Reel 096, Image 842, Stanislaus County Records.



Jan 14, 2014

D.L.H.

Exhibit B
PLN2013-0089

Parcel 2:

That certain real property situated in the County of Stanislaus, State of California, described as follows:

All that portion of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

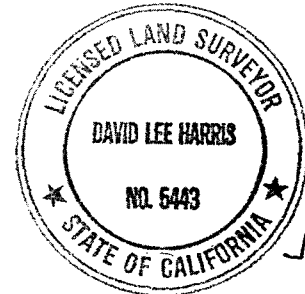
Commencing at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42°31'28" West, 1465.18 feet from the intersection of the east line of aforesaid right-of-way with the south line of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, said point being on the south line of the north half of of the "Warehouse Lot as described in Volume 713 of Official Records, page 4, records of Stanislaus County; thence South 47°28'32" West along said south line, 90 feet to the north Right-of-way line of Valley Home Road, a 60-foot wide road as described in Book 2444, page 646 of Road Deeds, Stanislaus County Records to the **Point of Beginning** of this description; thence North 47° 28'32" East 290 feet; thence South 42° 31'28" East, 98.68 feet; thence North 47°28'32" East, 330.13 feet to the southeast corner of property described in deed Document Number 2013-60303 Stanislaus County records; thence North 42°31' 11" West, 612.00 feet to the southwest corner of said lands; thence North 47°28'32" East, along the northerly line of said lands, 1158.30 feet to the centerline of Lambuth road; thence North 42°31'11" West, 432.50 feet to the southerly line of Parcel 4 as described in Quit Claim Deed Document number 94-0079754, Stanislaus County records; thence South 47°28'32" West along said southerly line, 1688.52 feet to the north line of the old 100 foot railroad right-of-way, (abandon); thence North 42°32'38" West, 458.89 feet to the centerline of Dale Road ; thence South 47°22'45" West, 120.00 feet to the centerline of Valley Home road; thence South 42°31'28" East, 1404.51 feet to a point at the southwesterly extension of the south line of said Warehouse Lot; thence North 47°28'32" East, 30.00 feet to the POINT OF BEGINNING.

Excepting therefrom the following described parcel :

Commencing at a point on the east line of the right-of-way of the Oakdale branch of the Southern Pacific Railroad, North 42°31'28" West, 1465.18 feet from the intersection of the east line of aforesaid right-of-way with the south line of Section 19, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, said point being on the south line of the north half of of the "Warehouse Lot as described in Volume 713 of Official Records, page 4, records of Stanislaus County; thence South 47°28'32" West along said south line, 100 feet to the north right-of-way line of Valley Home Road, as shown on the Map of Thalheim, filed April 13, 1904 in Volume 1 of Maps, page 41, Stanislaus County Records: thence North 42°31'28" West along said north right-of-way line, 448.01 feet to the Point of Beginning of the herein described Parcel: thence continuing North 42°31'28" West along said right-of-way, 241.05 feet; thence North 47°26'25" East, 348.70 feet: thence South 42°31'28" East parallel with said north right-of-way line, 241.05 feet; thence South 47°26'25" West, 348.70 feet to the Point of Beginning.

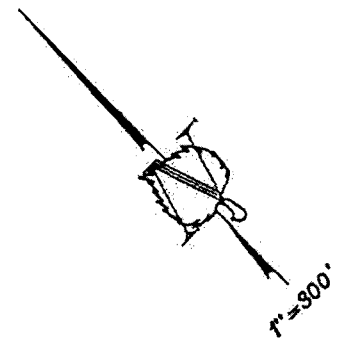
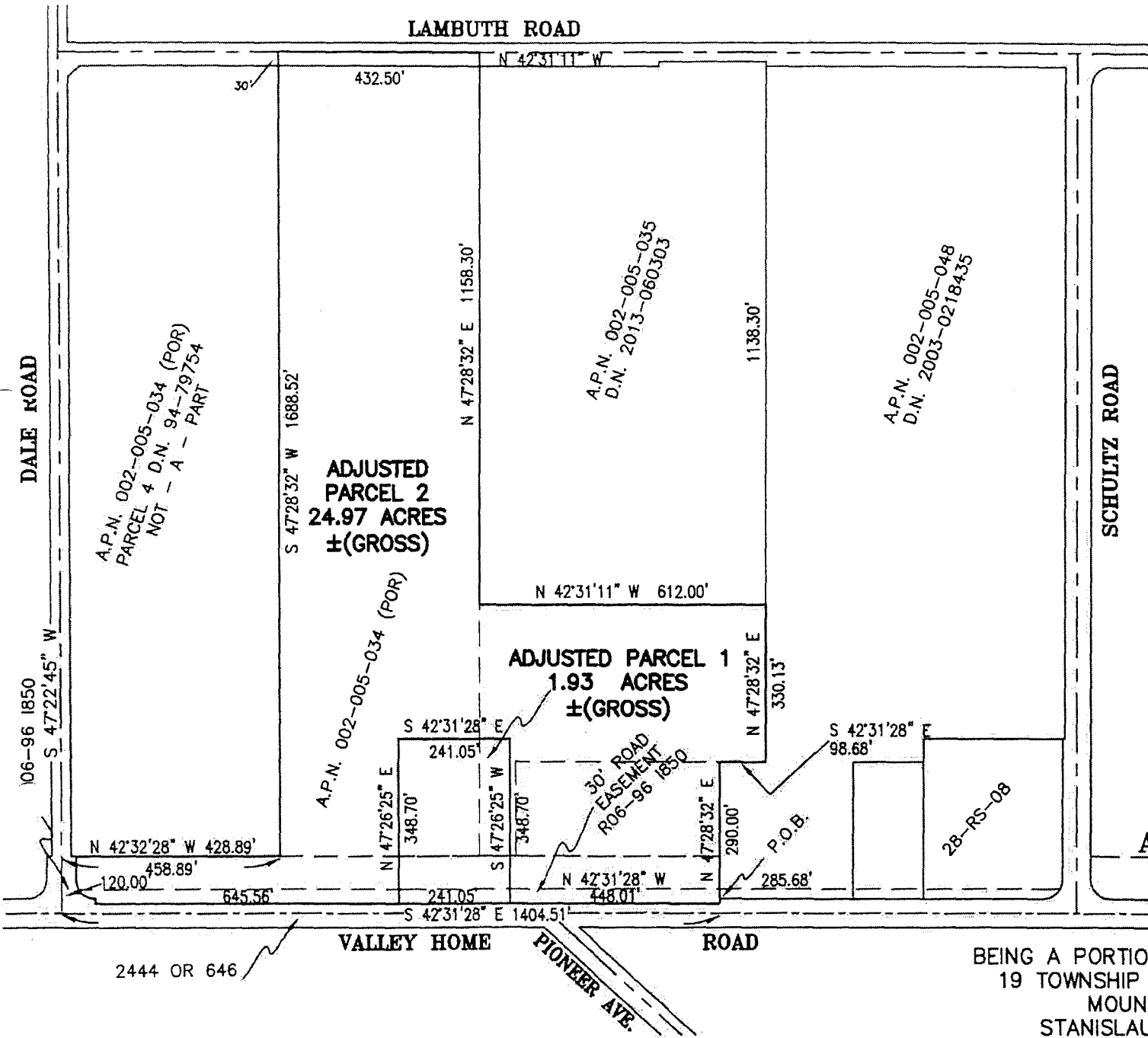
Containing 24.97 acres more or less

The Above described parcel being also subject to all easements and rights-of-way of record including the Easement as recorded February 12, 1986 in Reel 096, Image 842 Stanislaus County Records ; The Easement as recorded February 12, 1986 in Reel 096, Image 850 Stanislaus County Records and the Deed for Right Of Way as recorded February 11, 1932 in Volume 461, Page 466 Records of Stanislaus County.



January 14, 2014

DLH



**FOR LOT LINE
ADJUSTMENT
PLN-2013-0089**

JUNE 24, 2013

AFTER ADJUSTMENT

BEING A PORTION OF THE S 1/2 OF SECTION
19 TOWNSHIP 1 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0031188-00
Acct 121-Planning.
Friday, MAY 16, 2014 08:37:08
Rpt # 0003522846
OHK/R2/2-12

WHEN RECORDED RETURN TO
STANISLAUS COUNTY DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
1010 10TH STREET, SUITE 3400
MODESTO, CA 95354

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2014-20**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into May 6, 2014, by and between the County of Stanislaus, a political subdivision of the State of California, hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

(15) Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him.

DESIGNATED AGENT: David Harris, Aspen Survey

1121 Oakdale Road, Suite 6

Modesto, CA 95355 (209) 526-9724

(16) Owner desires to place the following parcels of real property under Contract:

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
002-005-034	24.7	13330 Valley Home Road, Valley Home

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2014-218, relating to Lot Line Adjustment No. PLN2013-0089 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 77-2491 encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

172

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
LOIS E. HOFMANN	<i>Lois E Hofmann</i>	1/29/2014	Oakdale

SECURITY HOLDERS:


NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

5-15-2014
Dated


Chairman, Board of Supervisors
Angela Freitas for Jim DeMartini

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

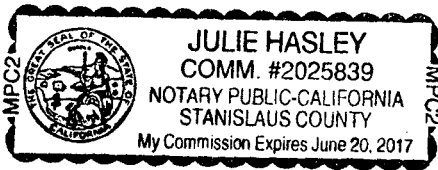
State of California

County of Stanislaus

On Jan. 29, 2014 before me, Julie Hasley, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Lois E. Hofmann
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julie Hasley
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Recession and California Land

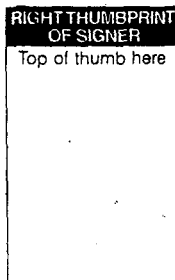
Document Date: 01/29/14 Number of Pages: Conservation Contract

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

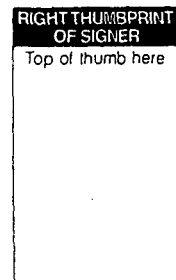
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT "A"
PLN 2013-0089

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PARCEL NO. 3:

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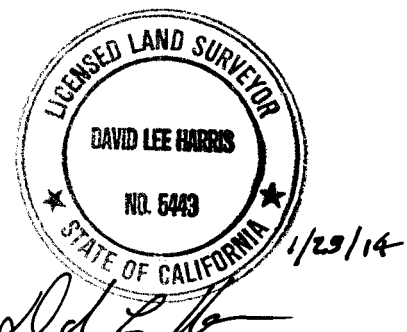


Exhibit B
PLN2013-0089

Parcel 2:

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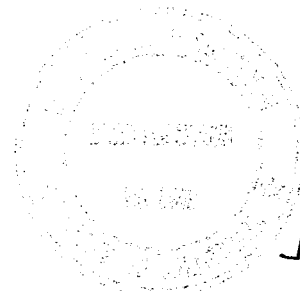
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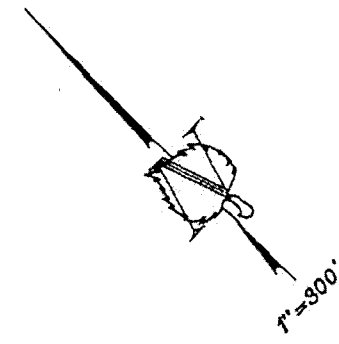
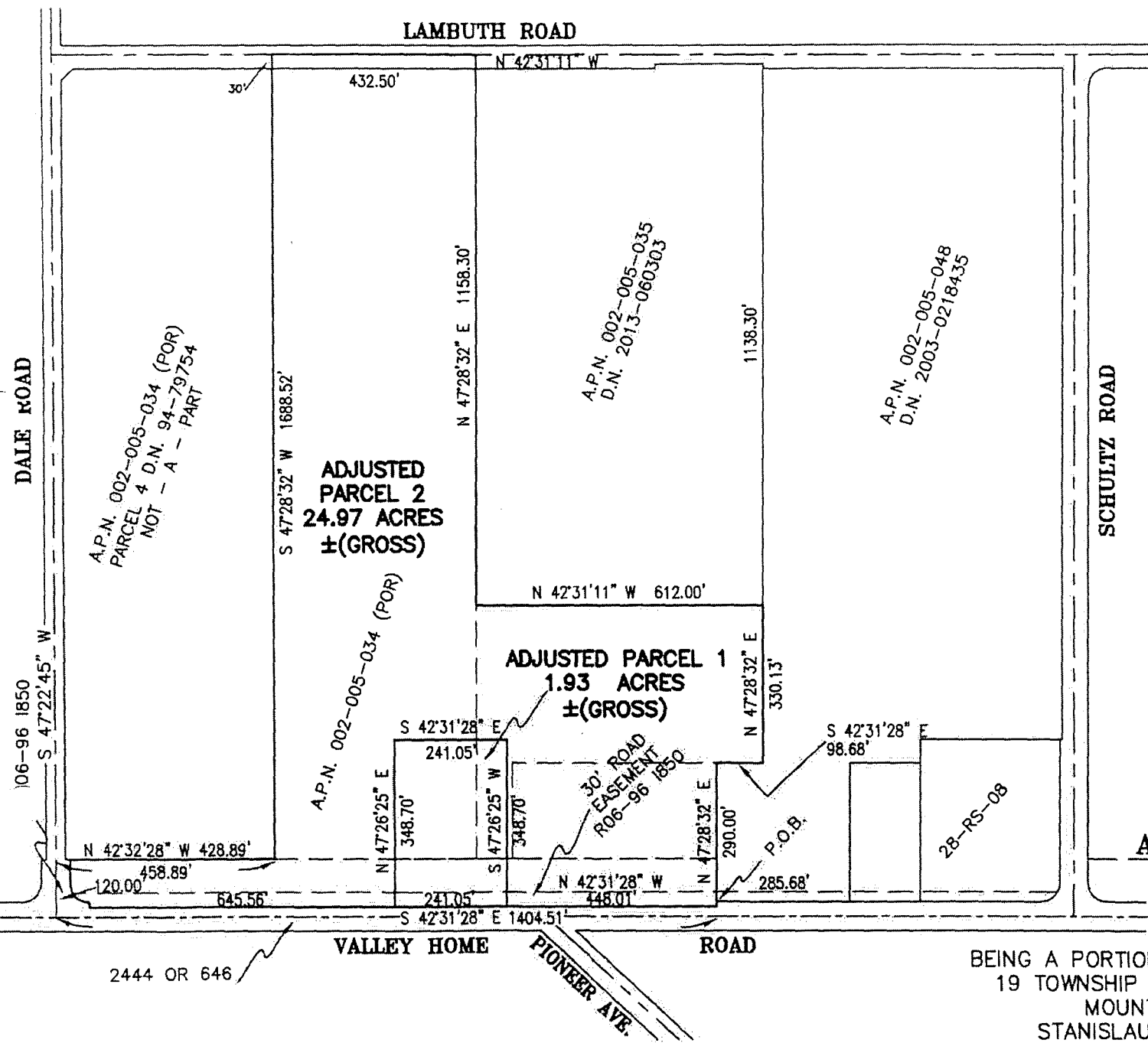
Containing 24.97 acres more or less

The Above described parcel being also subject to all easements and rights-of-way of record including the Easement as recorded February 12, 1986 in Reel 096, Image 842 Stanislaus County Records ; The Easement as recorded February 12, 1986 in Reel 096, Image 850 Stanislaus County Records and the Deed for Right Of Way as recorded February 11, 1932 in Volume 461, Page 466 Records of Stanislaus County.



January 14, 2014

D. L. H.



**FOR LOT LINE
ADJUSTMENT
PLN-2013-0089**

JUNE 24, 2013

AFTER ADJUSTMENT

BEING A PORTION OF THE S 1/2 OF SECTION
19 TOWNSHIP 1 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *AP*

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE May 6, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1972-2491, Located at 13330 Valley Home Road, Between Lambuth and Valley Home Roads, in the Valley Home Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0089, Lois E. Hofmann Trust, and Authorization for the Director of Planning and Community Development to Execute a New Contract

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2014-218

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

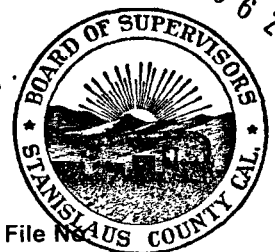
ATTEST:

Christine Ferraro Tallman
CHRISTINE FERRARO TALLMAN, Clerk

By

Patricia Gonzalez

File No.



Approval to Rescind a Portion of Williamson Act Contract No. 1972-2491, Located at 13330 Valley Home Road, Between Lambuth and Valley Home Roads, in the Valley Home Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0089, Lois E. Hofmann Trust, and Authorization for the Director of Planning and Community Development to Execute a New Contract
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STAFF RECOMMENDATIONS: (Continued)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
2. Rescind a portion of Williamson Act Contract No. 1972-2491, Located at 13330 Valley Home Road, between Lambuth and Valley Home Roads, in the Valley Home area.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2013-0089, Lois E. Hofmann Trust.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2013-0089.

DISCUSSION:

Lot Line Adjustment Application No. PLN2013-0089 was approved by staff pending the Board's action required by the Williamson Act. The properties are located at 13330 Valley Home Road, between Lambuth and Valley Home Roads, in the Valley Home area, in the unincorporated area of Stanislaus County.

Approval to Rescind a Portion of Williamson Act Contract No. 1972-2491, Located at 13330 Valley Home Road, Between Lambuth and Valley Home Roads, in the Valley Home Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0089, Lois E. Hofmann Trust, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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The lot line adjustment is requesting four parcels go from 5.0, 2.0, 16.47, and 3.1 acres (26.57 acres total) to two parcels, by merger, of 1.87 and 24.7 acres (26.57 acres total). The reason for the lot line adjustment request is to isolate that portion of land which is not being used for farming purpose, and to thereby incorporate and merge those lands that are being used for farming into a single parcel. The 1.87 acre parcel is improved with one single-family dwelling, pool, volleyball court, shop/garage, and a barn. The 24.7 acre parcel is unimproved and being farmed in rice and corn.

Currently, 23.47 acres are enrolled in a portion of Williamson Act Contract No. 1972-2491. After the lot line adjustment, an additional 1.23 acres will be included in a new contract which is required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

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- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.”

The applicants have provided the attached evidence to support the seven findings listed above, and staff agrees the evidence supports these findings. The proposed adjustment will not increase the number of developable parcels, will not reduce the number of acres in the existing Williamson Act contract, and will not compromise the continued agricultural use of the parcels.

New Williamson Act contracts would typically come before the Board once a year, in December. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract replaces a portion of Williamson Act Contract No. 1972-2491, upon recording. The new contract will cover 24.7 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB 1265, pursuant to the Stanislaus County Board of Supervisors' actions on October 15, 2013.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted December 2007) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. Thus, this action supports the Board's priority of A Strong Agricultural Economy/Heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

Approval to Rescind a Portion of Williamson Act Contract No. 1972-2491, Located at 13330 Valley Home Road, Between Lambuth and Valley Home Roads, in the Valley Home Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0089, Lois E. Hofmann Trust, and Authorization for the Director of Planning and Community Development to Execute a New Contract
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~~ATTACHMENTS:~~

- ~~1. Lot Line Adjustment Application No. PLN2013-0089~~
- ~~2. Lot Line Adjustment Approval Letter~~
- ~~3. Applicant's Statement of Findings~~
- ~~4. Map of Parcels Before the Proposed Lot Line Adjustment~~
- ~~5. Map of Parcels After the Proposed Lot Line Adjustment~~

(i:\planning\board of supervisors\lotlineadjustments\2014\pln 2013-0017-duarte-ca winelands\lla pln2013-0017-report.doc)